

# 86-331-A #212 Grated PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1 B02.3.B. (205.3) to permit a side yard setback of 3-5 feet in lieu of the required 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To enclose carport which has existed for almost 20 years

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

Henry J. Fink

Signature

Signature

Address

Jeane L. Fink

City and State

Signature

Attorney for Petitioner:

4 Elm Hollow Court  
Pikesville, Md. 21208 #486 3672

Signature

Signature

Address

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

City and State

Name

Attorney's Telephone No.:

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of January, 1986

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 4th day of March, 1986, at 2:30 o'clock A.M.

Carl J. Jahn  
Zoning Commissioner of Baltimore County.

(over)

494-3180

## County Board of Appeals

Room 219 Court House

TOWSON, MARYLAND 21204

May 23, 1986

## NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 86-331-A

HENRY J. FINK, ET UX

W/S Elm Hollow Ct., 135' S of c/l of Birch Hollow Rd.

3rd District

3/5/86 - DZC Granted w/restrictions

Var.-Side yard setback

The above hearing set for Tuesday, June 3, 1986, at 10 a.m., has been POSTPONED by the Board at the request of Protestants, as a consequence of a change in counsel, and

REASSIGNED FOR:

THURSDAY, JUNE 26, 1986, at 11:00 a.m.

cc: Mr. & Mrs. Henry Fink

Petitioners

Dean P. Gunby, Esq.

Counsel for Petitioners

Dr. Mark Gordon

Protestant-Appellant

Sanford Teplitzky, Esq.

Counsel for Protestants

Thomas J. Bollinger, Esq.

Office of Law

Norman E. Gerber

James Hoswell

Arnold Jablon

Jean Jung

James Dyer

Blind copy: Arthur Alperstein, Esq.

Counsel for Protestants

June Holmer, Secretary



## County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

July 17, 1986

Dr. Mark Gordon  
6 Elm Hollow Ct.  
Pikesville, Md. 21208

Re: Case No. 86-331-A  
Henry J. Fink, et ux

Dear Dr. Gordon:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmer, Secretary

Encl.

cc: Mr. and Mrs. Henry J. Fink  
Dean P. Gunby, Esq.  
Sanford Teplitzky, Esq.  
Robert E. Scher, Esq.  
Arthur Alperstein, Esq.  
Thomas J. Bollinger, Esq.  
Norman E. Gerber  
James Hoswell  
Arnold Jablon  
Jean Jung  
James E. Dyer

IN THE MATTER OF THE APPLICATION OF HENRY J. FINK, ET UX FOR ZONING VARIANCE ON PROPERTY LOCATED ON THE WEST SIDE OF ELM HOLLOW COURT, 135 FT. SOUTH OF THE CENTERLINE OF BIRCH HOLLOW ROAD 3RD DISTRICT

BEFORE COUNTY BOARD OF APPEALS

Re: Case No. 86-331-A

## OPINION

This case comes before the Board of Appeals as a Petition for Variance for a side yard setback for a carport-toolshed first granted by the Zoning Office in 1966 to Mr. Henry Fink, but now under protest by the Protestant-Appellant, Dr. Mark Gordon, neighbor to Mr. Fink.

The Petitioner requested and was granted, a variance to enclose his existing carport on March 3, 1986, and acquired the necessary permit on April 2, 1986. In the meantime, the Protestant filed a protest to the granting of the variance as well as the original side-yard setback of 1966.

In testimony, Mr. Henry Fink reviewed the reasons and procedures for adding a carport-tool shed to his home one year after acquiring the property in 1965. He testified to the fact, as suggested by his deeds and permits, that the addition was properly made by a contractor in conformance with zoning laws as existed in 1966. At no time in the following years did anyone protest this structure as a possible violation of zoning regulations.

Upon the purchase of a valuable antique automobile in 1985, Mr. Fink requested a variance and permit to complete a wall of the carport to protect this vehicle from the weather. Having obtained the variance and permit, a builder was contracted to enclose the carport. Despite his knowledge of a protest submitted by Dr. Gordon, Mr. Fink had the work completed as contracted.

## Description for Variance

Beginning at a point on the west side of Elm Hollow Court (50 feet wide), 135 feet south of the centerline of Birch Hollow Road and known as Lot 11, Block A as shown on the plat of Section One of Stevenson at Anton Farms, which is recorded among the Land Records of Baltimore County in RRG No 30, Folio 7.

Known as 4 Elm Hollow Court in the 3rd Election District.

Henry J. Fink & Jeanne L. Fink  
4 Elm Hollow Court  
Pikesville, Maryland 21208  
# 486 3672

Henry J. Fink, et ux  
Case No. 86-331-A

In argument, counsel for Dr. Gordon questioned the Petitioner's original request for a variance in 1966 as to its legality. Photographs submitted showed the carport practically on the property line. Also, in protest, Mr. Gordon stated that the noise and movement of cars on the driveway, and the air pollution caused by exhaust fumes were detrimental to his family. Mr. Thomas Bollinger, speaking on behalf of the Baltimore County Office of Law, questioned Dr. Gordon as to the serious affect of the car movement and gas fumes, and if so, whether the fully enclosed carport would eliminate this nuisance. Mr. Bollinger further questioned the Protestants' reference and reasoning as to the alternative location possible in 1966 for the carport-tool shed.

In view of the testimony presented to this Board, the protest as it pertains to the original granting of the permit for construction in 1966 is moot. The change of the zoning regulation in later years (1970) cannot be justified in its application to this case.

In consideration of the present petition for variance to enclose the existing carport-toolshed, since this improvement to the property would not adversely affect the health, safety, and general welfare of the community, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, this variance should be granted.

## ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of July, 1986, by the County Board of Appeals, ORDERED that the Petition for Variance by the property owner, Henry J. Fink, be and is hereby GRANTED.

Henry J. Fink, et ux  
Case No. 86-331-A

An appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

## COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William R. Evans, Acting Chairman

Harry E. Buchheister, Jr.

Lefoy E. Spurrer



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

March 5, 1986

Dean P. Gunby, Esquire  
Suite 300, 1 E. Redwood Street  
Baltimore, MD 21202

RE: PETITION FOR VARIANCE  
W/S of Elm Hollow Court,  
135' S of the centerline of  
Birch Hollow Road  
3rd Election District  
Henry J. Fink, et ux,  
Petitioners  
Case No. 86-331-A

Dear Mr. Gunby:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

JEAN M. H. JUNG  
Deputy Zoning Commissioner

JMHJ:bg

Attachments

cc: People's Counsel

Dr. Mark Gordon  
6 Elm Hollow Court  
Baltimore, MD 21208



IN RE: PETITION FOR VARIANCE  
W/S of Elm Hollow Court,  
135' S of the centerline  
of Birch Hollow Road -  
3rd Election District  
Henry J. Fink, et ux,  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 86-331-A

The Petitioners herein request a variance to permit a side yard setback of 3 1/2 feet in lieu of the required 15 feet.

Testimony by the Petitioner indicated that the dwelling was purchased in 1965. In 1966 a carport and storage shed were constructed in accordance with a Baltimore County building permit (Petitioner's Exhibit 1). The Petitioner, now retired, proposes to enclose the side of the carport with a windowless wall and cover that portion with siding identical to the existing siding on the house. The front of the carport and its rear opening would not be altered. The purpose of constructing the wall is to protect the Petitioner and his antique car from the elements.

The adjacent neighbor spoke in protest. In his opinion, any hardship has been self-created by the Petitioner. It is also his opinion that he would look out onto an eyesore. He addressed the matter of car fumes and conceded both that he has not complained to anyone about fumes in the eleven years he has lived next door, and that there is a substantial drop in the ground level from his property to that of the Petitioner.

After due consideration of the testimony and evidence presented, with particular attention to the photographs submitted (Petitioner's Exhibit 2), and its appealing that strict compliance with the Baltimore County Zoning Regulations (BCZ) would result in practical difficulty and unreasonable hardship upon the Petitioners, and the granting of the variance requested would not adversely affect the health, safety, and general welfare of the community, and, therefore,

the variance should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 5th day of March, 1986, that the herein Petition for Variance to permit a side yard setback of 3 1/2 feet in lieu of the required 15 feet, in accordance with the plan submitted and filed herein, is hereby GRANTED, from and after the date of this Order, subject, however, to the following:

1. Only the side wall of the carport shall be enclosed. The front and the rear passageway shall be left open.

*Jean M.H. Jung*  
Deputy Zoning Commissioner  
of Baltimore County

JMHJ:tg

PETITION FOR ZONING VARIANCE  
3rd Election District

LOCATION: West Side of Elm Hollow Court, 135 feet South of the Centerline of Birch Hollow Road

DATE AND TIME: Tuesday, March 4, 1986, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a side yard setback of 3-5 feet in lieu of the required 15 feet

Being the property of Henry J. Fink, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JARLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JARLON  
ZONING COMMISSIONER

JEAN M.H. JUNG  
DEPUTY ZONING COMMISSIONER

February 19, 1986

Mr. Henry J. Fink  
Mrs. Jeanne L. Fink  
4 Elm Hollow Court  
Pikesville, Maryland 21208

Re: Petition for Zoning Variance  
W/S Elm Hollow Ct., 135' S of the c/l  
Birch Hollow Rd.  
3rd Election District  
Henry J. Fink, et ux - Petitioners  
Case No. 86-331-A

Dear Mr. and Mrs. Fink:

This is to advise you that \$47.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 018510

DATE: 2/25/86 ACCOUNT: 8-01-615-000

SIGN & POSTS TO BE RETURNED TO ZONING OFFICE ON 3/4/86

RECEIVED FROM: Henry J. Fink

FOR: Advertising & Posting re Case No. 86-331-A

\$ 47.00

VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR VARIANCE  
W/S Elm Hollow Ct., 135'  
S of the C/L Birch Hollow  
Rd., 3rd District  
HENRY J. FINK, et ux,  
Petitioners

BEFORE THE ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 86-331-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 5th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Henry J. Fink, 4 Elm Hollow Ct., Pikesville, MD 21208, Petitioners.

*Peter Max Zimmerman*  
Peter Max Zimmerman

Please enter the appearance of Robert E. Scher, Esquire of Ober, Kaler, Geimer & Scher as counsel for the protestant.

*Robert Scher*  
Robert Scher

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

86-331-A

District: 3rd Date of Posting: February 18, 1986

Posted for: Variance

Petitioner: Henry J. Fink et ux

Location of property: W/S of Elm Hollow Ct. 135' S of the C/L of Birch Hollow Rd.

Location of Signs: East front of subject property at Elm Hollow Court

Remarks:

Posted by: A.J. Dutton Date of return: February 21, 1986

Number of Signs: 1

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

86-331-A

District: 3rd Date of Posting: 4-11-86

Posted for: Appeal

Petitioner: Henry J. Fink et ux

Location of property: W/S of Elm Hollow Ct. 135' S of the C/L of Birch Hollow Rd.

Location of Signs: East front of Elm Hollow Court

Remarks:

Posted by: A.J. Dutton Date of return: 4-16-86

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD, February 13, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 13, 1986.

THE JEFFERSONIAN,  
*JB Kentish*  
Publisher

Cost of Advertising  
22.00

PETITION FOR ZONING VARIANCE  
3rd Election District  
LOCATION: West Side of Elm Hollow Court, 135 feet South of the Centerline of Birch Hollow Road  
DATE AND TIME: Tuesday, March 4, 1986, at 9:30 a.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Zoning Variance to permit a side yard setback of 3-5 feet in lieu of the required 15 feet. Henry J. Fink, et ux, as above named, et al.  
In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.



# LEGAL NOTICE

PETITION FOR ZONING VARIANCE  
 LOCATION: West Side of Elm Hollow Court, 135' S of Birch Hollow Rd., 3rd Election District, Pikesville, Maryland 21208.  
 DATE AND TIME: Tuesday, March 4, 1986, at 9:30 a.m.  
 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.  
 The Zoning Commission of Baltimore County, by its duly authorized representative, the Zoning Commissioner, is hereby giving notice that a public hearing will be held on the above petition for a zoning variance on the date and at the place stated above. Any person desiring to be heard at the hearing should appear in person or by a duly authorized representative at the hearing on the date and at the place stated above.

## CERTIFICATE OF PUBLICATION

73346  
 Pikesville, Md., Feb. 12, 1986  
 Is to CERTIFY, that the annexed advertisement published in the NORTHWEST STAR, a weekly paper published in Pikesville, Baltimore County, Maryland before the 4th day of March 19 86  
 first publication appearing on the 12th day of Feb. 19 86  
 second publication appearing on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
 the third publication appearing on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

THE NORTHWEST STAR

Manager

Cost of Advertisement \$20.00

Mr. Henry J. Fink  
 Mrs. Jeanne L. Fink  
 4 Elm Hollow Court  
 Pikesville, Maryland 21208

January 31, 1986

## NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE  
 W/S Elm Hollow Ct., 135' S of the c/l Birch Hollow Rd.  
 3rd Election District  
 Henry J. Fink, et ux - Petitioners  
 Case No. 86-331-A

TIME: 9:30 a.m.  
 DATE: Tuesday, March 4, 1986  
 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Mark B. Gordon  
 Zoning Commissioner  
 of Baltimore County

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

No. 012892

DATE: 11-26-85 ACCOUNT: 11-21-615-70

AMOUNT: \$ 35.00

RECEIVED FROM: [Signature]

FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer Date: December 6, 1985  
 FROM: James Thompson  
 Item No. 212  
 SUBJECT: 4 Elm Hollow Court  
 Henry & Jeanne Fink

Presently, the above subject matter is an active violation case, C-86-514. When this petition is scheduled for a hearing please notify:

Dr. & Mrs. Mark Gordon  
 6 Elm Hollow Court  
 Baltimore, Maryland 21206

Mark B. Gordon, O.D.  
 6 Elm Hollow Court  
 Baltimore, Maryland 21208  
 825-4981

Arnold Jablon  
 Zoning Commissioner  
 Office of Planning & Zoning  
 Towson, Maryland 21204

March 7, 1986

RE: Petition Grant for Variance  
 4 Elm Hollow Court  
 Baltimore County, Maryland  
 Case No. 86-331-A

Dear Mr. Jablon,

I have received the decision by the zoning commission of Baltimore County on case No. 86-331-A. It is my understanding that the decision is to grant the variance to petitioners Henry J. Fink, et al.

I am appealing this decision. Enclosed is a check in the amount required for this appeal.

Please contact me if I have omitted anything in order to comply with appeal procedures or if you have any further questions.

Thank you.

Mark B. Gordon

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

No. 016130

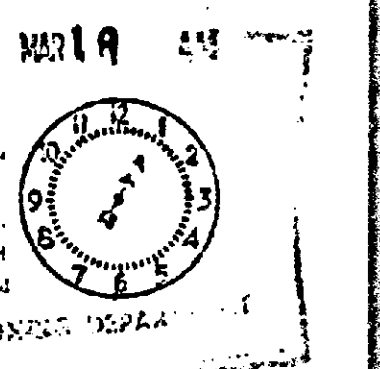
DATE: 3/19/86 ACCOUNT: 11-21-615-70

AMOUNT: \$ 20.00

RECEIVED FROM: Mark B. Gordon

FOR: Appeal fee for Case No. 86-331-A

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY  
 OFFICE OF PLANNING & ZONING  
 TOWSON, MARYLAND 21204  
 494-3353

ARNOLD JABLON  
 ZONING COMMISSIONER

JEAN M. H. JUNG  
 DEPUTY ZONING COMMISSIONER

March 19, 1986

Dean P. Gunby, Esquire  
 Suite 300, 1 E. Redwood Street  
 Baltimore, MD 21202

RE: PETITION FOR VARIANCE  
 W/S Elm Hollow Ct., 135' S of the c/l Birch Hollow Rd., 3rd Election District  
 Henry J. Fink, et ux,  
 Petitioners  
 Case No. 86-331-A

Dear Mr. Gunby:

Please be advised that an appeal has been filed by Dr. Mark Gordon, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,  
 Arnold Jablon  
 ARNOLD JABLON  
 Zoning Commissioner

AJ:bjb

cc: Mr. & Mrs. Henry J. Fink  
 4 Elm Hollow Court  
 Pikesville, MD 21206

Dr. Mark Gordon  
 6 Elm Hollow Court  
 Pikesville, MD 21206

Mark B. Gordon  
 6 Elm Hollow Court  
 Balto, Md. 21208

April 15, 1986

Zoning Appeal Board  
 Baltimore County Court House  
 Room #200  
 Towson, Md. 21204

RE: Case # 86-331-A  
 H.J. Fink  
 Zoning Variance Appeal

Dear Sirs:

When the above appeal is scheduled please notify me at

#6 Elm Hollow Court  
 Baltimore, Md. 21208

and my council, Mr. Sanford Teplitzky at the following address:

Ober, Kaler, Grimes & Shriver  
 1500 Maryland National Bank Building  
 10 Light Street  
 Baltimore, Maryland 21202

Attn: Sanford Teplitzky

I understand that we will have at least 60 days notice. If you have any questions, please call me at 825-4981.

Thank you,

Mark B. Gordon, O.D.

cc: Sanford Teplitzky

RECEIVED  
 COUNTY BOARD OF APPEALS  
 APR 18 1986

3/3  
 HENRY J. FINK  
 Dear Mr. Hackett  
 I am writing to request your help in obtaining the hearing on the appeal of the above mentioned case at the earliest possible date.  
 On March 4th 1986 the hearing was held and Deputy Zoning Commissioner granted our request for variance. In accordance with this decision, we obtained our building permit and our contractor, Castle-Sublet & Son Construction Co., Inc., is scheduled to start the side wall to our carport on Thursday, April 17th 1986 at a cost of \$800.00. The protestor, Dr. Mark Gordon, is the defendant in a civil suit filed by us months ago and has used this means

3  
 HENRY J. FINK  
 As a further method of harassment to us, we have already postponed the erection of the carport wall since last September because of the original variance complaint which was of no substance whatsoever.  
 May we please hear from you as soon as possible in order to resolve this matter?  
 Thank you for your consideration.  
 Very truly yours,  
 Henry J. Fink  
 Telephone # 496-3672

County Board of Appeals of Baltimore County  
 Room 200 Court House (Hearing Room #218)  
 Towson, Maryland 21204  
 (301) 494-2180  
 April 16, 1986

## NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-331-A HENRY J. FINK, ET UX  
 W/s Elm Hollow Ct., 135' S of c/l of Birch Hollow Rd.  
 3rd District  
 3/5/86 - DZC GRANTED w/restrictions  
 Var-Side yard setback  
 ASSIGNED FOR: TUESDAY, JUNE 3, 1986, at 10 a.m.

cc: Mr. & Mrs. Henry Fink Petitioners  
 Dean P. Gunby, Esq. Counsel for Petitioners  
 Dr. Mark Gordon Protestor - Appellant  
 Phyllis G. Friedman Planning Counsel  
 Norman E. Gerbe  
 James Howel  
 Arnold Jablon  
 Jean Jung  
 James E. Dyer  
 Sanford Teplitzky, Esq. Counsel for Protestor  
 Thomas J. Tollinger, Esq. Office of Law

June Holmen, Secretary

MAR 25 1986







BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. REINKE  
CHIEF

December 17, 1985

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Henry J. Fink, et ux

Location: WS Elm Hollow Court, 135' S of centerline of Birch Hollow Road

Item No.: 212 Zoning Agenda: Meeting of December 10, 1985

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

( X ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

December 27, 1985

TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 212 Zoning Advisory Committee Meeting are as follows:

Property Owner: Henry J. Fink, et ux  
Location: WS Elm Hollow Court, 135' S of c/l of Birch Hollow Road  
Districts:

APPLICABLE CODES ARE CITED:

( ) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, The Maryland Code for the Handicapped and Aged (A.M.S.I., #17-81 - 1980) and other applicable Codes and Standards.

( ) A Building and other miscellaneous permits shall be required before the start of any construction.

( ) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

( ) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Approved seals are not acceptable.

NOTE: ( ) All Use Groups except Sub Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. All Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 601, Section 1007, Section 1008.2 and Table 1007. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

( ) The structure does not appear to comply with Table 605 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 601 and 605 and have your Architect/Engineer contact this department.

( ) The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.

( ) When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The owner of the Group are from Use \_\_\_\_\_ to the \_\_\_\_\_, or to Mixed Use \_\_\_\_\_ See Section 312 of the Building Code.

( ) The proposed project appears to be located in a Flood Plain, Flood/Riverine. Please see the attached copy of Section 216.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.

J. Comments:

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 103 of the County Office Building, 101 W. Chesapeake Avenue, Towson, Maryland 21204.

By: *John F. O'Neill*  
Building Plans Reviewer

LJZ/RS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner

Date: February 4, 1986

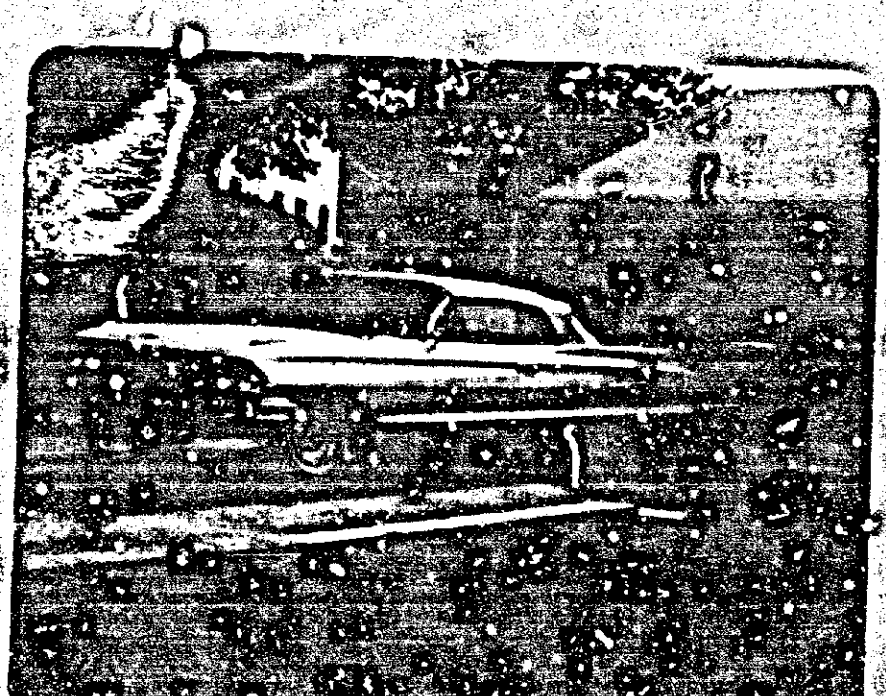
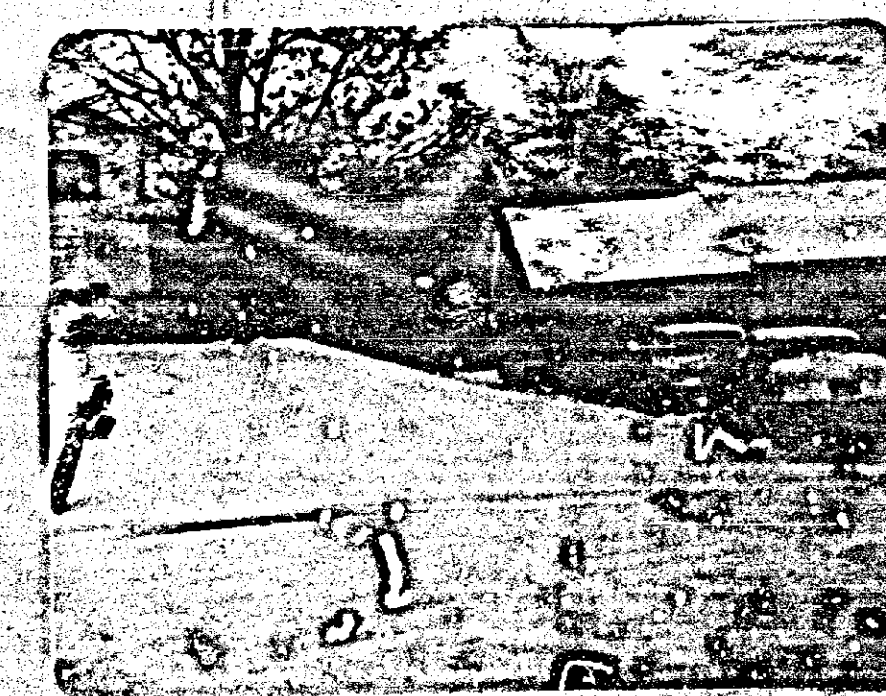
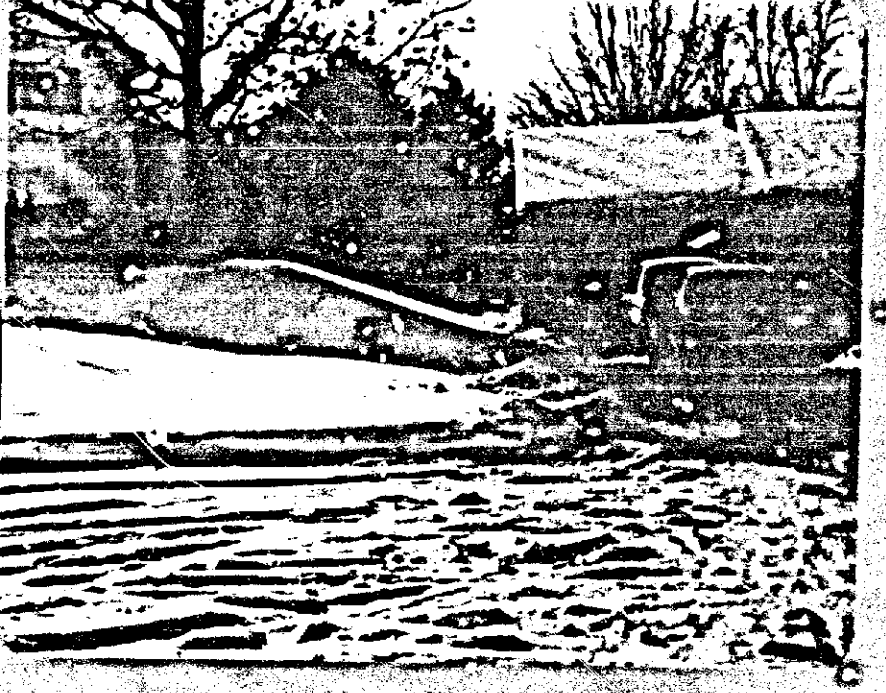
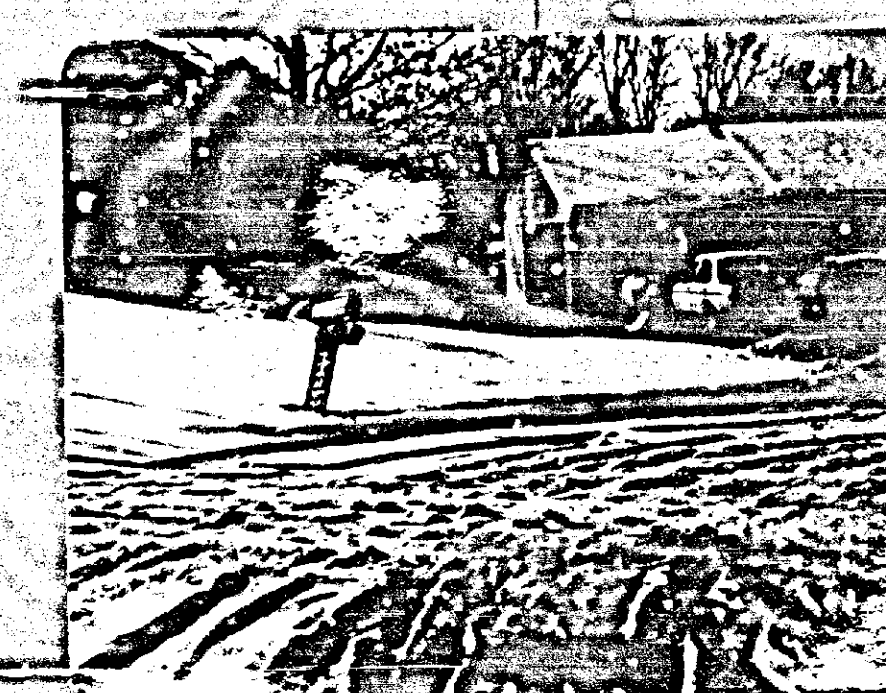
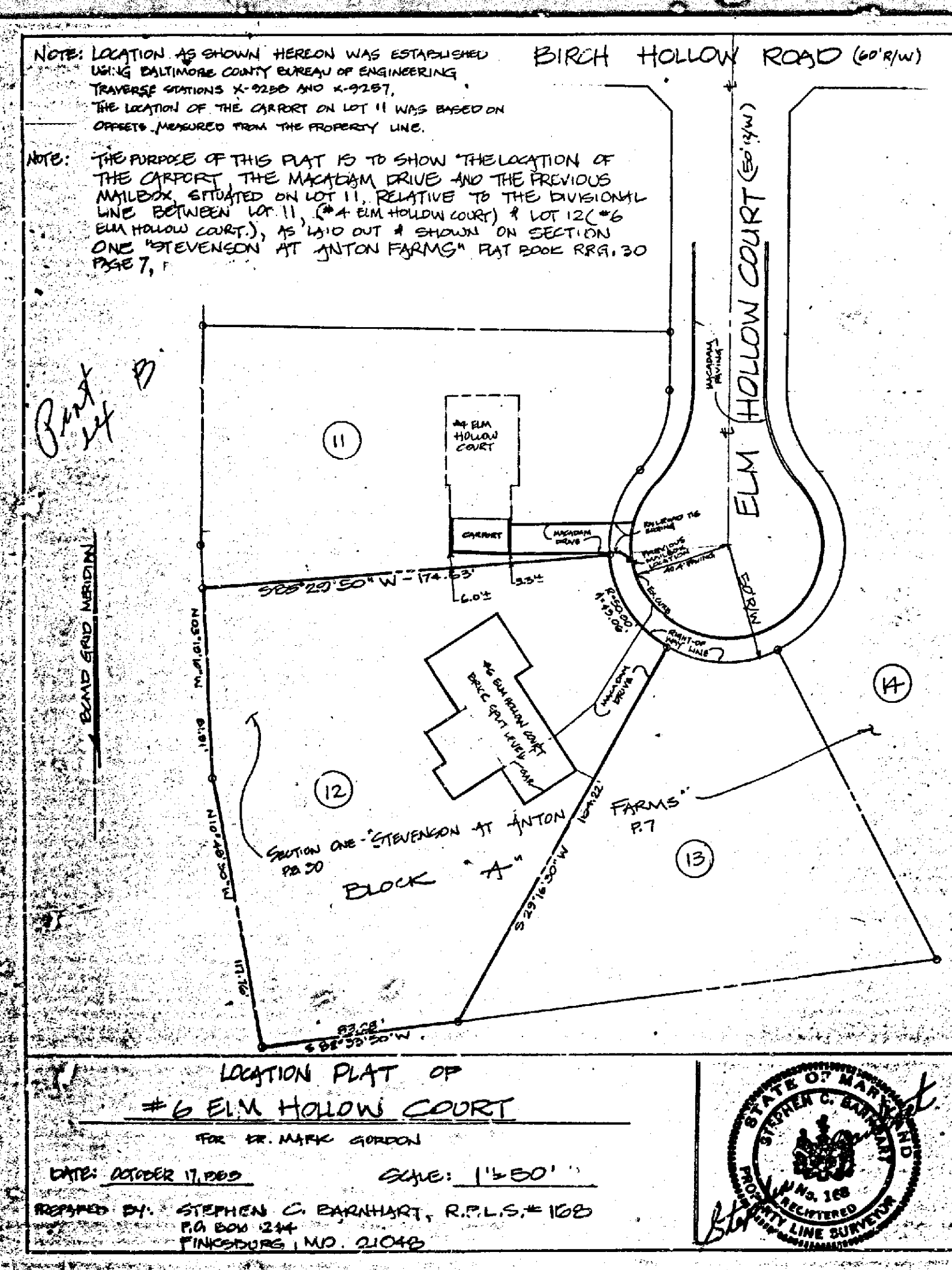
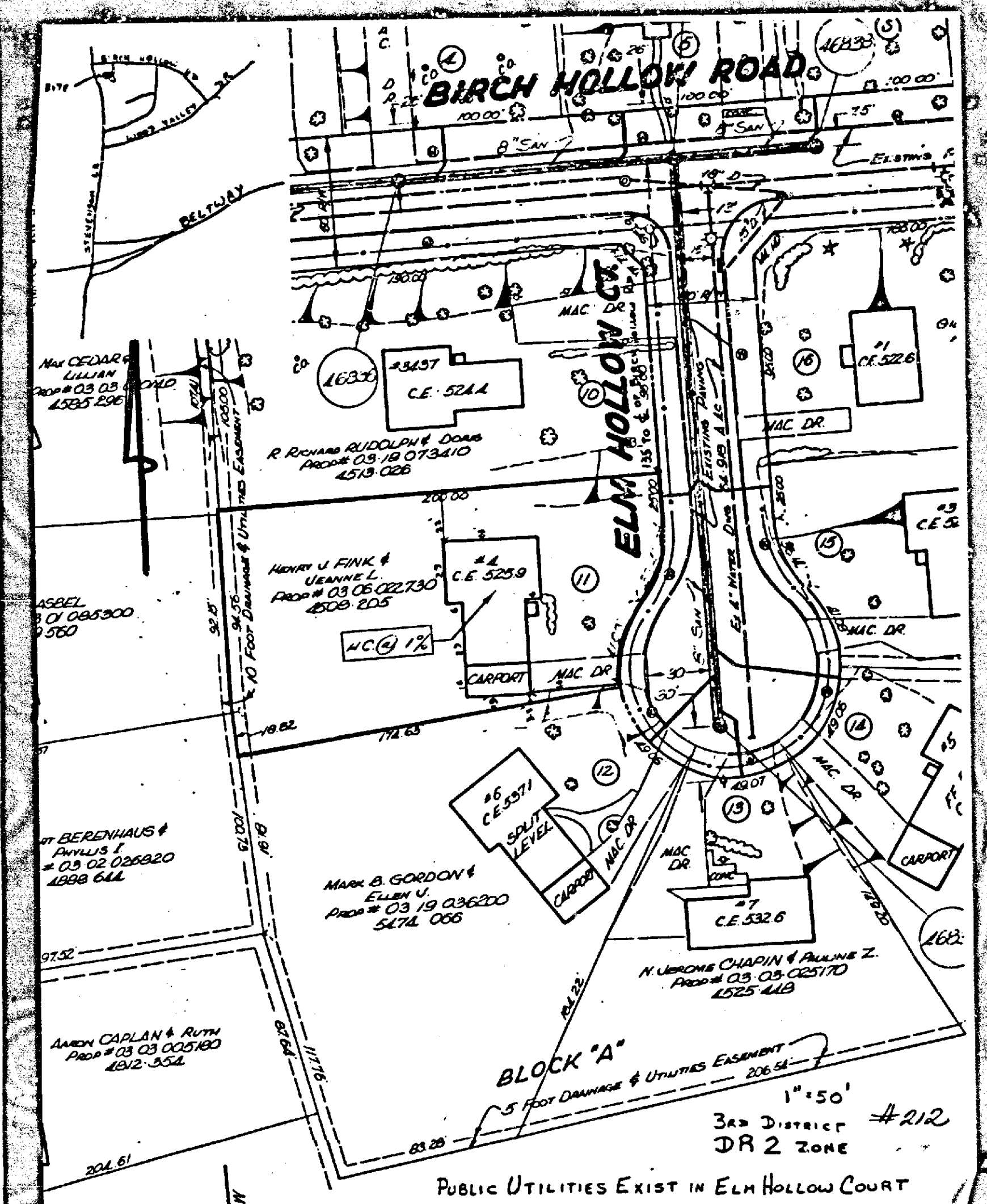
Norman E. Gerber, AICP, Director  
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 86-285-A, 86-291-XA, 86-326-A, 86-329-Sph  
86-330-XA, 86-331-A, 86-332-A and 86-333-A

There are no comprehensive planning factors requiring comment on these petitions.

*Norman E. Gerber*  
Norman E. Gerber, AICP  
Director

NEG:JGH:slm





# 86-331-A #212 Grated PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1 B02.3.B. (205.3) to permit a side yard setback of 3-5 feet in lieu of the required 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To enclose carport which has existed for almost 20 years

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

Henry J. Fink

Signature

Signature

Address

Jeane L. Fink

City and State

Signature

Attorney for Petitioner:

4 Elm Hollow Court  
Pikesville, Md. 21208 #486 3672

Signature

Signature

Address

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

City and State

Name

Attorney's Telephone No.:

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of January, 1986

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 4th day of March, 1986, at 2:30 o'clock A.M.

Carl J. Jahan  
Zoning Commissioner of Baltimore County.

(over)

494-3180

## County Board of Appeals

Room 219 Court House

TOWSON, MARYLAND 21204

May 23, 1986

## NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 86-331-A

HENRY J. FINK, ET UX

W/S Elm Hollow Ct., 135' S of c/l of Birch Hollow Rd.

3rd District

3/5/86 - DZC Granted w/restrictions

Var.-Side yard setback

The above hearing set for Tuesday, June 3, 1986, at 10 a.m., has been POSTPONED by the Board at the request of Protestants, as a consequence of a change in counsel, and

REASSIGNED FOR:

THURSDAY, JUNE 26, 1986, at 11:00 a.m.

cc: Mr. & Mrs. Henry Fink

Petitioners

Dean P. Gunby, Esq.

Counsel for Petitioners

Dr. Mark Gordon

Protestant-Appellant

Sanford Teplitzky, Esq.

Counsel for Protestant

Thomas J. Bollinger, Esq.

Office of Law

Norman E. Gerber

James Hoswell

Arnold Jablon

Jean Jung

James Dyer

Blind copy: Arthur Alperstein, Esq.

Counsel for Protestants

June Holmer, Secretary



## County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

July 17, 1986

Dr. Mark Gordon  
6 Elm Hollow Ct.  
Pikesville, Md. 21208

Re: Case No. 86-331-A  
Henry J. Fink, et ux

Dear Dr. Gordon:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmer, Secretary

Encl.

cc: Mr. and Mrs. Henry J. Fink  
Dean P. Gunby, Esq.  
Sanford Teplitzky, Esq.  
Robert E. Scher, Esq.  
Arthur Alperstein, Esq.  
Thomas J. Bollinger, Esq.  
Norman E. Gerber  
James Hoswell  
Arnold Jablon  
Jean Jung  
James E. Dyer

IN THE MATTER OF THE APPLICATION OF HENRY J. FINK, ET UX FOR ZONING VARIANCE ON PROPERTY LOCATED ON THE WEST SIDE OF ELM HOLLOW COURT, 135 FT. SOUTH OF THE CENTERLINE OF BIRCH HOLLOW ROAD 3RD DISTRICT

BEFORE COUNTY BOARD OF APPEALS

Re: Case No. 86-331-A

## OPINION

This case comes before the Board of Appeals as a Petition for Variance for a side yard setback for a carport-toolshed first granted by the Zoning Office in 1966 to Mr. Henry Fink, but now under protest by the Protestant Appellant, Dr. Mark Gordon, neighbor to Mr. Fink.

The Petitioner requested and was granted, a variance to enclose his existing carport on March 3, 1986, and acquired the necessary permit on April 2, 1986. In the meantime, the Protestant filed a protest to the granting of the variance as well as the original side-yard setback of 1966.

In testimony, Mr. Henry Fink reviewed the reasons and procedures for adding a carport-tool shed to his home one year after acquiring the property in 1965. He testified to the fact, as suggested by his deeds and permits, that the addition was properly made by a contractor in conformance with zoning laws as existed in 1966. At no time in the following years did anyone protest this structure as a possible violation of zoning regulations.

Upon the purchase of a valuable antique automobile in 1985, Mr. Fink requested a variance and permit to complete a wall of the carport to protect this vehicle from the weather. Having obtained the variance and permit, a builder was contracted to enclose the carport. Despite his knowledge of a protest submitted by Dr. Gordon, Mr. Fink had the work completed as contracted.

## Description for Variance

Beginning at a point on the west side of Elm Hollow Court (50 feet wide), 135 feet south of the centerline of Birch Hollow Road and known as Lot 11, Block A as shown on the plat of Section One of Stevenson at Anton Farms, which is recorded among the Land Records of Baltimore County in RRG No 30, Folio 7.

Known as 4 Elm Hollow Court in the 3rd Election District.

Henry J. Fink & Jeane L. Fink  
4 Elm Hollow Court  
Pikesville, Maryland 21208  
# 486 3672

Henry J. Fink, et ux  
Case No. 86-331-A

In argument, counsel for Dr. Gordon questioned the Petitioner's original request for a variance in 1966 as to its legality. Photographs submitted showed the carport practically on the property line. Also, in protest, Mr. Gordon stated that the noise and movement of cars on the driveway, and the air pollution caused by exhaust fumes were detrimental to his family. Mr. Thomas Bollinger, speaking on behalf of the Baltimore County Office of Law, questioned Dr. Gordon as to the serious affect of the car movement and gas fumes, and if so, whether the fully enclosed carport would eliminate this nuisance. Mr. Bollinger further questioned the Protestants' reference and reasoning as to the alternative location possible in 1966 for the carport-tool shed.

In view of the testimony presented to this Board, the protest as it pertains to the original granting of the permit for construction in 1966 is moot. The change of the zoning regulation in later years (1970) cannot be justified in its application to this case.

In consideration of the present petition for variance to enclose the existing carport-toolshed, since this improvement to the property would not adversely affect the health, safety, and general welfare of the community, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, this variance should be granted.

## ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of July, 1986, by the County Board of Appeals, ORDERED that the Petition for Variance by the property owner, Henry J. Fink, be and is hereby GRANTED.

Henry J. Fink, et ux  
Case No. 86-331-A

An appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

## COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William R. Evans, Acting Chairman

Harry E. Buchheister, Jr.

Lefoy E. Spurrer



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

March 5, 1986

Dean P. Gunby, Esquire  
Suite 300, 1 E. Redwood Street  
Baltimore, MD 21202

RE: PETITION FOR VARIANCE  
W/S of Elm Hollow Court,  
135' S of the centerline of  
Birch Hollow Road  
3rd Election District  
Henry J. Fink, et ux,  
Petitioners  
Case No. 86-331-A

Dear Mr. Gunby:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

JEAN M. H. JUNG  
Deputy Zoning Commissioner

JMHJ:bg

Attachments

cc: People's Counsel

Dr. Mark Gordon  
6 Elm Hollow Court  
Baltimore, MD 21208



IN RE: PETITION FOR VARIANCE  
W/S of Elm Hollow Court,  
135' S of the centerline  
of Birch Hollow Road -  
3rd Election District  
Henry J. Fink, et ux,  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 86-331-A

The Petitioners herein request a variance to permit a side yard setback of 3 1/2 feet in lieu of the required 15 feet.

Testimony by the Petitioner indicated that the dwelling was purchased in 1965. In 1966 a carport and storage shed were constructed in accordance with a Baltimore County building permit (Petitioner's Exhibit 1). The Petitioner, now retired, proposes to enclose the side of the carport with a windowless wall and cover that portion with siding identical to the existing siding on the house. The front of the carport and its rear opening would not be altered. The purpose of constructing the wall is to protect the Petitioner and his antique car from the elements.

The adjacent neighbor spoke in protest. In his opinion, any hardship has been self-created by the Petitioner. It is also his opinion that he would look out onto an eyesore. He addressed the matter of car fumes and conceded both that he has not complained to anyone about fumes in the eleven years he has lived next door, and that there is a substantial drop in the ground level from his property to that of the Petitioner.

After due consideration of the testimony and evidence presented, with particular attention to the photographs submitted (Petitioner's Exhibit 2), and its appealing that strict compliance with the Baltimore County Zoning Regulations (BCZ) would result in practical difficulty and unreasonable hardship upon the Petitioners, and the granting of the variance requested would not adversely affect the health, safety, and general welfare of the community, and, therefore,

the variance should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 5th day of March, 1986, that the herein Petition for Variance to permit a side yard setback of 3 1/2 feet in lieu of the required 15 feet, in accordance with the plan submitted and filed herein, is hereby GRANTED, from and after the date of this Order, subject, however, to the following:

1. Only the side wall of the carport shall be enclosed. The front and the rear passageway shall be left open.

*Jean M.H. Jung*  
Deputy Zoning Commissioner  
of Baltimore County

JMHJ:tg

PETITION FOR ZONING VARIANCE  
3rd Election District

LOCATION: West Side of Elm Hollow Court, 135 feet South of the Centerline of Birch Hollow Road

DATE AND TIME: Tuesday, March 4, 1986, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a side yard setback of 3-5 feet in lieu of the required 15 feet

Being the property of Henry J. Fink, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JARLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JARLON  
ZONING COMMISSIONER

JEAN M.H. JUNG  
DEPUTY ZONING COMMISSIONER

February 19, 1986

Mr. Henry J. Fink  
Mrs. Jeanne L. Fink  
4 Elm Hollow Court  
Pikesville, Maryland 21208

Re: Petition for Zoning Variance  
W/S Elm Hollow Ct., 135' S of the c/l  
Birch Hollow Rd.  
3rd Election District  
Henry J. Fink, et ux - Petitioners  
Case No. 86-331-A

Dear Mr. and Mrs. Fink:

This is to advise you that \$47.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 018510

DATE: 2/25/86 ACCOUNT: 8-01-615-000

SIGN & POSTS TO BE RETURNED TO ZONING OFFICE ON 3/4/86

RECEIVED FROM: Henry J. Fink

FOR: Advertising & Posting re Case No. 86-331-A

\$ 47.00

VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR VARIANCE  
W/S Elm Hollow Ct., 135'  
S of the C/L Birch Hollow  
Rd., 3rd District  
HENRY J. FINK, et ux,  
Petitioners

BEFORE THE ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 86-331-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 5th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Henry J. Fink, 4 Elm Hollow Ct., Pikesville, MD 21208, Petitioners.

*Peter Max Zimmerman*  
Peter Max Zimmerman

Please enter the appearance of Robert E. Scher, Esquire of Ober, Kaler, Geimer & Scher as counsel for the protestant.

*Robert Scher*  
Robert Scher

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

86-331-A

District: 3rd Date of Posting: February 18, 1986

Posted for: Variance

Petitioner: Henry J. Fink et ux

Location of property: W/S of Elm Hollow Ct. 135' S of the C/L of Birch Hollow Rd.

Location of Signs: East front of subject property at Elm Hollow Court

Remarks:

Posted by: A.J. Dutton Date of return: February 21, 1986

Number of Signs: 1

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

86-331-A

District: 3rd Date of Posting: 4-11-86

Posted for: Appeal

Petitioner: Henry J. Fink et ux

Location of property: W/S of Elm Hollow Ct. 135' S of the C/L of Birch Hollow Rd.

Location of Signs: East front of Elm Hollow Court

Remarks:

Posted by: A.J. Dutton Date of return: 4-18-86

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD, February 13, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 13, 1986.

THE JEFFERSONIAN,  
*JB Kentish*  
Publisher

Cost of Advertising  
22.00

PETITION FOR ZONING VARIANCE  
3rd Election District  
LOCATION: West Side of Elm Hollow Court, 135 feet South of the Centerline of Birch Hollow Road  
DATE AND TIME: Tuesday, March 4, 1986, at 9:30 a.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Zoning Variance to permit a side yard setback of 3-5 feet in lieu of the required 15 feet. Henry J. Fink, et ux, as Petitioners.  
In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.



# LEGAL NOTICE

PETITION FOR ZONING VARIANCE  
 LOCATION: West Side of Elm Hollow Court, 135' S of Birch Hollow Rd., 3rd Election District, Pikesville, Maryland 21208.  
 DATE AND TIME: Tuesday, March 4, 1986, at 9:30 a.m.  
 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.  
 The Zoning Commission of Baltimore County, by its duly authorized representative, the Zoning Commissioner, is hereby giving notice that a public hearing will be held on the above petition for a zoning variance on the date and at the place stated above. Any person desiring to be heard at the hearing should appear in person or by a duly authorized representative at the hearing on the date and at the place stated above.

## CERTIFICATE OF PUBLICATION

73346  
 Pikesville, Md., Feb. 12, 1986  
 Is to CERTIFY, that the annexed advertisement published in the NORTHWEST STAR, a weekly paper published in Pikesville, Baltimore County, Maryland before the 4th day of March 19 86  
 first publication appearing on the 12th day of Feb. 19 86  
 second publication appearing on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
 the third publication appearing on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

THE NORTHWEST STAR

Manager

Cost of Advertisement \$20.00

Mr. Henry J. Fink  
 Mrs. Jeanne L. Fink  
 4 Elm Hollow Court  
 Pikesville, Maryland 21208

January 31, 1986

## NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE  
 W/S Elm Hollow Ct., 135' S of the c/l Birch Hollow Rd.  
 3rd Election District  
 Henry J. Fink, et ux - Petitioners  
 Case No. 86-331-A

TIME: 9:30 a.m.

DATE: Tuesday, March 4, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Mark B. Gordon  
 Zoning Commissioner  
 of Baltimore County

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

No. 012892

DATE: 11-26-85 ACCOUNT: 11-21-615-70

AMOUNT: \$ 35.00

RECEIVED FROM:

FOR:

VALIDATION OR SIGNATURE OF CASHIER

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer Date: December 6, 1985

FROM: James Thompson

Item No. 212  
 SUBJECT: 4 Elm Hollow Court  
 Henry & Jeanne Fink

Presently, the above subject matter is an active violation case, C-86-514. When this petition is scheduled for a hearing please notify:

Dr. & Mrs. Mark Gordon  
 6 Elm Hollow Court  
 Baltimore, Maryland 21206

Mark B. Gordon, O.D.  
 6 Elm Hollow Court  
 Baltimore, Maryland 21208  
 825-4981

Arnold Jablon  
 Zoning Commissioner  
 Office of Planning & Zoning  
 Towson, Maryland 21204

March 7, 1986

RE: Petition Grant for Variance  
 4 Elm Hollow Court  
 Baltimore County, Maryland  
 Case No. 86-331-A

Dear Mr. Jablon,

I have received the decision by the zoning commission of Baltimore County on case No. 86-331-A. It is my understanding that the decision is to grant the variance to petitioners Henry J. Fink, et al.

I am appealing this decision. Enclosed is a check in the amount required for this appeal.

Please contact me if I have omitted anything in order to comply with appeal procedures or if you have any further questions.

Thank you.

Mark B. Gordon

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

No. 016130

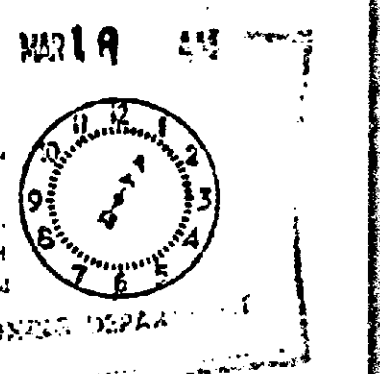
DATE: 3/19/86 ACCOUNT: 11-21-615-000

AMOUNT: \$ 20.00

RECEIVED FROM: Mark B. Gordon

FOR: Appeal fee for Case No. 86-331-A

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY  
 OFFICE OF PLANNING & ZONING  
 TOWSON, MARYLAND 21204  
 494-3353

ARNOLD JABLON  
 ZONING COMMISSIONER

JEAN M. H. JUNG  
 DEPUTY ZONING COMMISSIONER

March 19, 1986

Dean P. Gunby, Esquire  
 Suite 300, 1 E. Redwood Street  
 Baltimore, MD 21202

RE: PETITION FOR VARIANCE  
 W/S Elm Hollow Ct., 135' S of the c/l Birch Hollow Rd., 3rd Election District  
 Henry J. Fink, et ux,  
 Petitioners  
 Case No. 86-331-A

Dear Mr. Gunby:

Please be advised that an appeal has been filed by Dr. Mark Gordon, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

Arnold Jablon  
 ARNOLD JABLON  
 Zoning Commissioner

AJ:bjg

cc: Mr. & Mrs. Henry J. Fink  
 4 Elm Hollow Court  
 Pikesville, MD 21206

Dr. Mark Gordon  
 6 Elm Hollow Court  
 Pikesville, MD 21206

Mark B. Gordon  
 6 Elm Hollow Court  
 Balto, Md. 21208

April 15, 1986

Zoning Appeal Board  
 Baltimore County Court House  
 Room #200  
 Towson, Md. 21204

RE: Case # 86-331-A  
 H.J. Fink  
 Zoning Variance Appeal

Dear Sirs:

When the above appeal is scheduled please notify me at

#6 Elm Hollow Court  
 Baltimore, Md. 21208

and my council, Mr. Sanford Teplitzky at the following address:

Ober, Kaler, Grimes & Shriver  
 1500 Maryland National Bank Building  
 10 Light Street  
 Baltimore, Maryland 21202

Attn: Sanford Teplitzky

I understand that we will have at least 60 days notice. If you have any questions, please call me at 825-4981.

Thank you,

Mark B. Gordon, O.D.

cc: Sanford Teplitzky

RECEIVED  
 COUNTY BOARD OF APPEALS  
 APR 19 1986

1/3 HENRY J. FINK  
 Star c/p. Hackett  
 I am writing to request your help in obtaining the hearing on the appeal of the above mentioned case at the earliest possible date.  
 On March 4th 1986 the hearing was held and Deputy Zoning Commissioner granted our request for variance. In accordance with this decision, we obtained our building permit and our contractor, Castle-Sublet & Son Construction Co., Inc., is scheduled to start the side wall to our carport on Thursday, April 17th 1986 at a cost of \$800.00. The protestor, Dr. Mark Gordon, is the defendant in a civil suit filed by us months ago and has used this means

1/3 HENRY J. FINK  
 As a further method of harassment to us, we have already postponed the erection of the carport wall since last September because of the original variance complaint which was of no substance whatsoever.  
 May we please hear from you as soon as possible in order to resolve this matter?  
 Thank you for your consideration.  
 Very truly yours,  
 Henry J. Fink  
 Telephone # 496-3672



County Board of Appeals of Baltimore County  
 Room 200 Court House (Hearing Room #218)  
 Towson, Maryland 21204  
 (301) 494-2180  
 April 16, 1986

## NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-331-A HENRY J. FINK, ET UX

W/s Elm Hollow Ct., 135' S of c/l of Birch Hollow Rd.  
 3rd District  
 3/5/86 - DZC GRANTED w/restrictions  
 Var-Side yard setback

ASSIGNED FOR: TUESDAY, JUNE 3, 1986, at 10 a.m.

cc: Mr. & Mrs. Henry Fink Petitioners

Dean P. Gunby, Esq. Counsel for Petitioners

Dr. Mark Gordon Protestor - Appellant

Phyllis G. Friedman Petitioner's Counsel

Norman E. Gerbe

James Howel

Arnold Jablon

Jean Jung

James E. Dyer

Sanford Teplitzky, Esq. Counsel for Protestor

Thomas J. Tollinger, Esq. Office of Law

June Holmen, Secretary







BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. REINKE  
CHIEF

December 17, 1985

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Henry J. Fink, et ux

Location: WS Elm Hollow Court, 135' S of centerline of Birch Hollow Road

Item No.: 212 Zoning Agenda: Meeting of December 10, 1985

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

December 27, 1985

TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 212 Zoning Advisory Committee Meeting are as follows:

Property Owner: Henry J. Fink, et ux  
Location: WS Elm Hollow Court, 135' S of c/l of Birch Hollow Road  
Districts:

APPLICABLE CODES ARE CITED:

( ) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, The Maryland Code for the Handicapped and Aged (A.M.S.I., #17-81 - 1980) and other applicable Codes and Standards.

( ) A Building and other miscellaneous permits shall be required before the start of any construction.

( ) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

( ) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Approved seals are not acceptable.

NOTE: ( ) All Use Groups except Sub Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. All Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 601, Section 1007, Section 1008.2 and Table 1007. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

( ) The structure does not appear to comply with Table 605 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 601 and 505 and have your Architect/Engineer contact this department.

( ) The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.

( ) When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The owner of the Group are from the \_\_\_\_\_ to the \_\_\_\_\_, or to Mixed Use \_\_\_\_\_ See Section 312 of the Building Code.

( ) The proposed project appears to be located in a Flood Plain, Flood/Riverine. Please see the attached copy of Section 216.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.

J. Comments:

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 103 of the County Office Building, 101 W. Chesapeake Avenue, Towson, Maryland 21204.

By: *John F. O'Neill*  
Building Plans Reviewer

LJZ/RS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner

Date: February 4, 1986

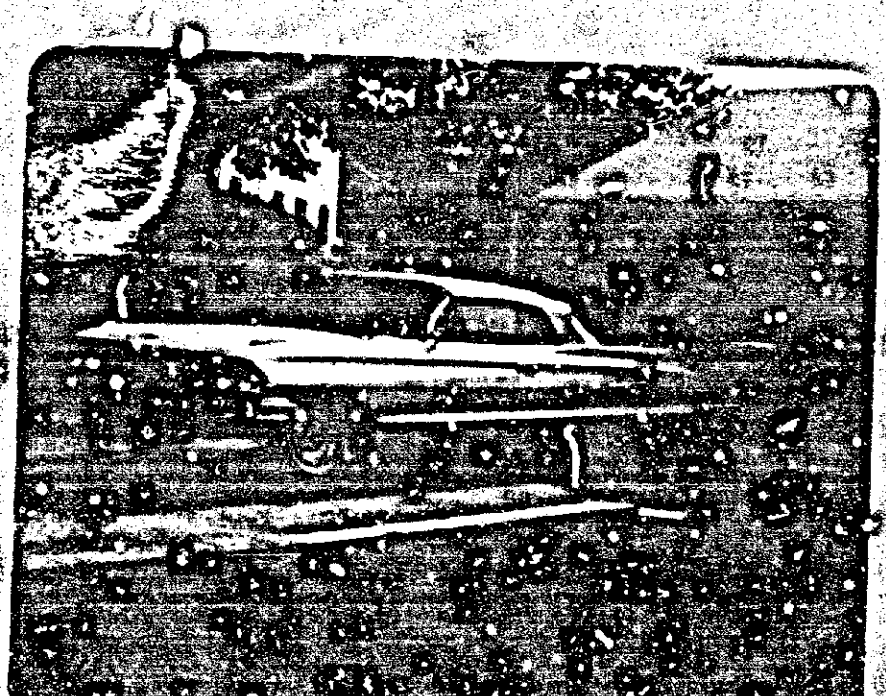
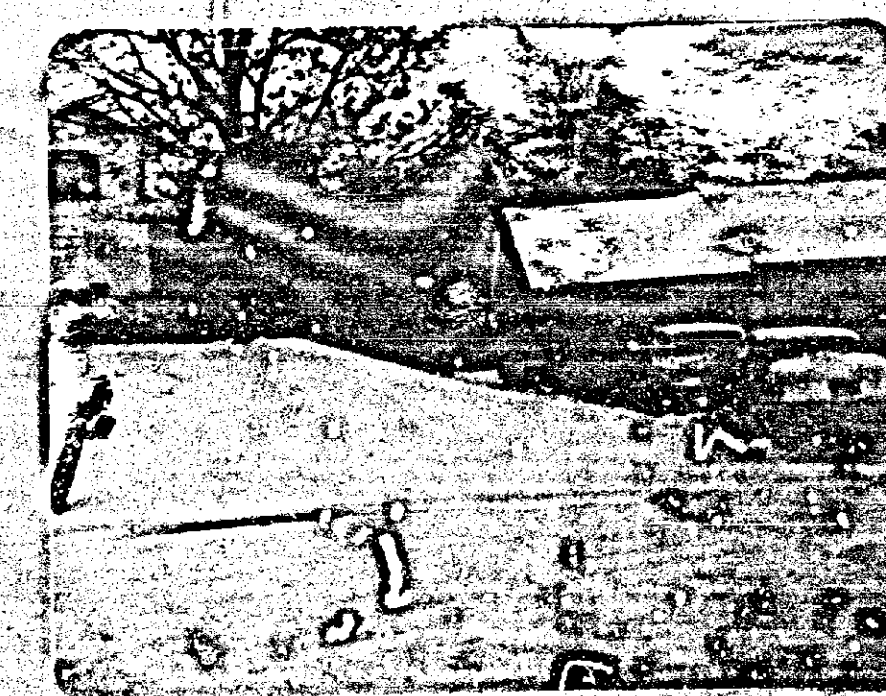
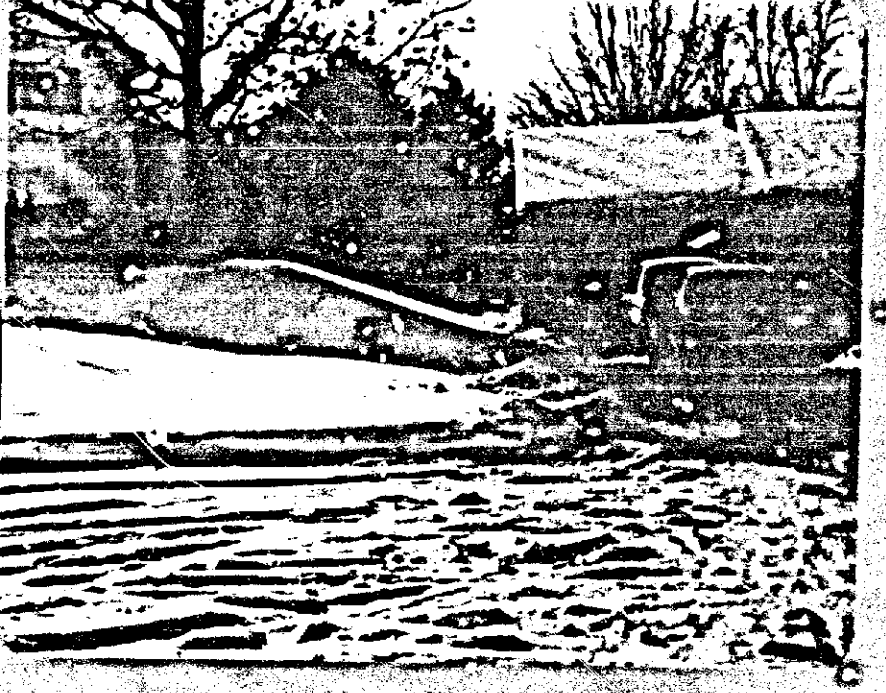
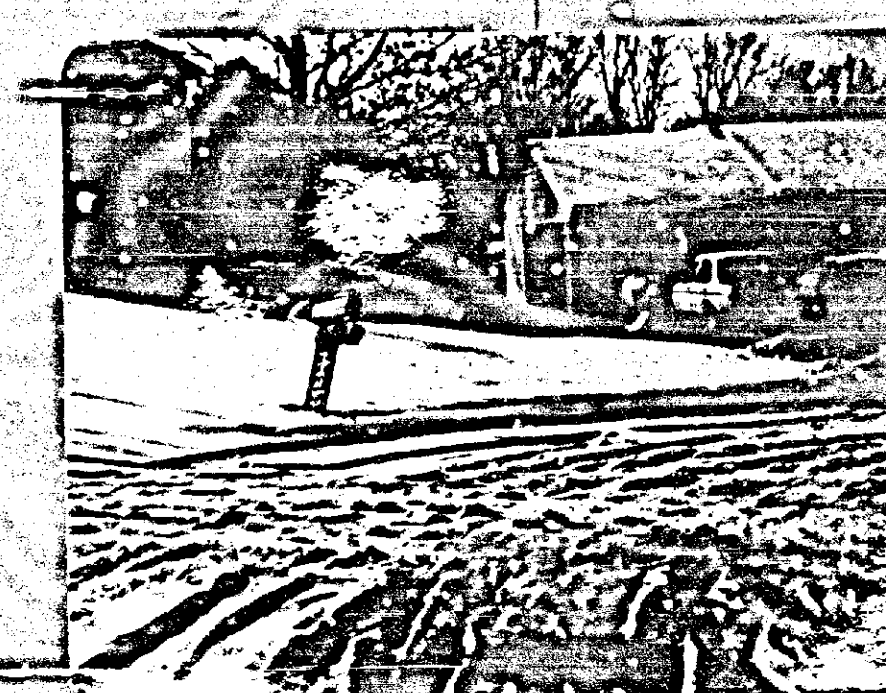
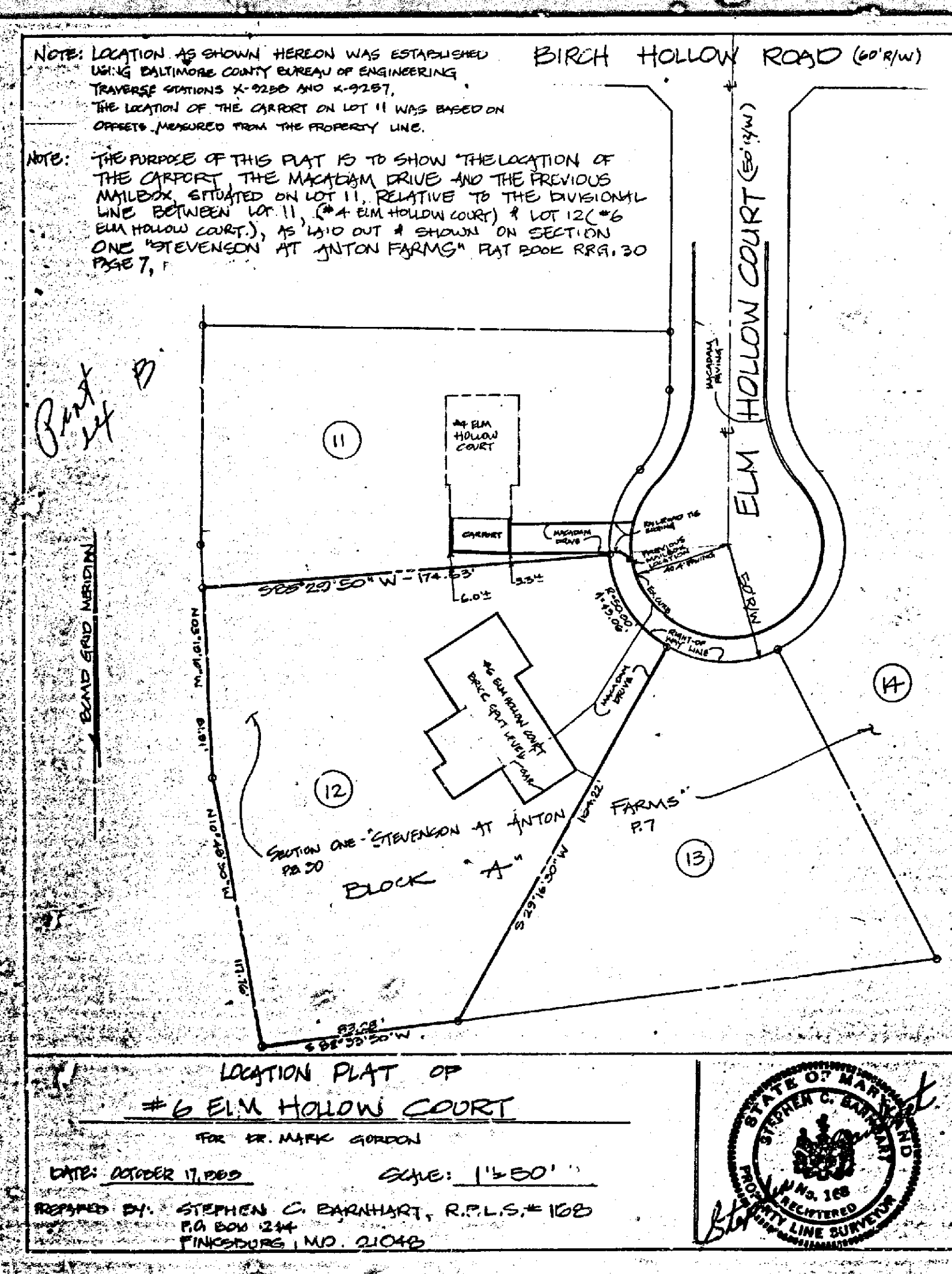
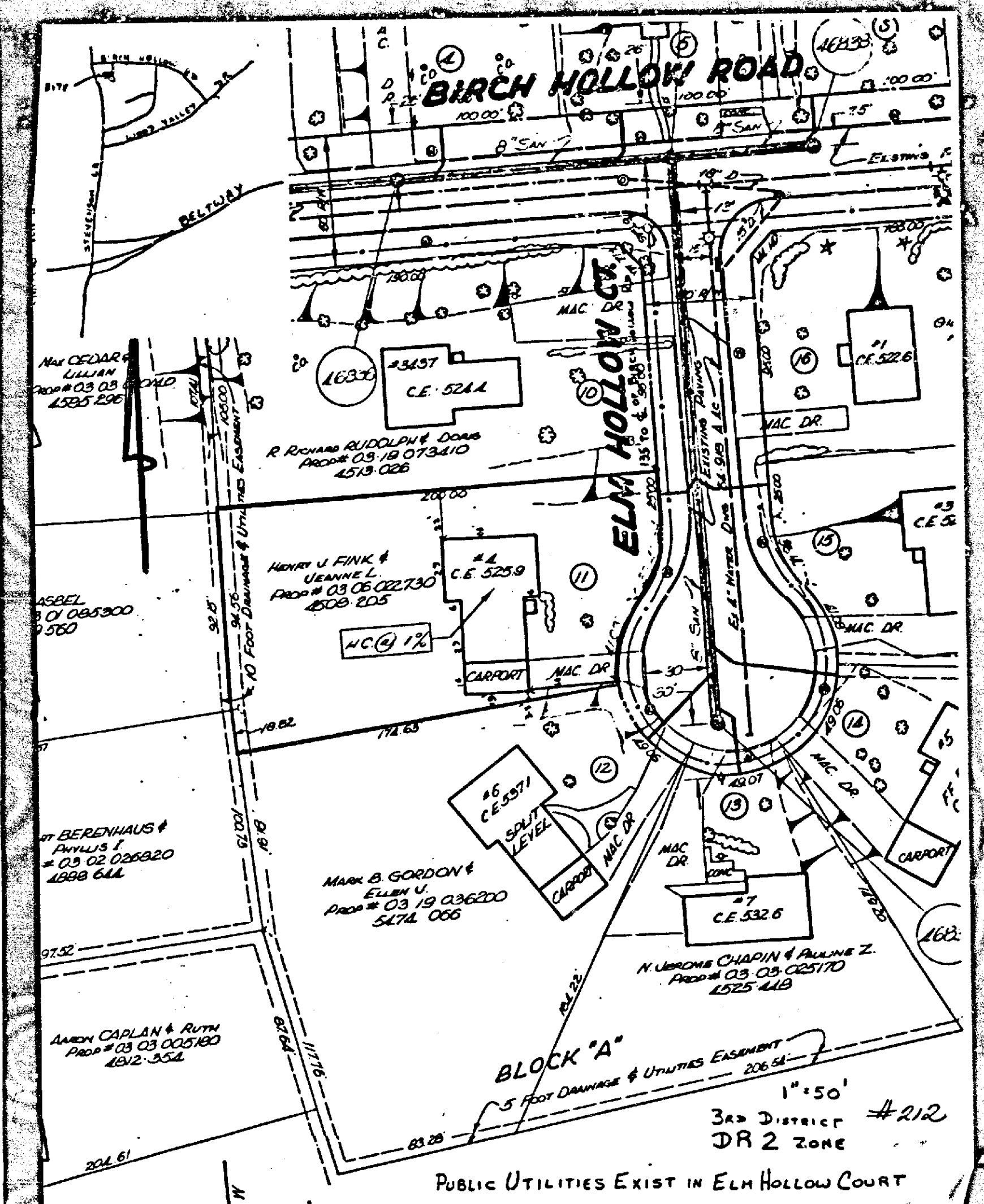
Norman E. Gerber, AICP, Director  
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 86-285-A, 86-291-XA, 86-326-A, 86-329-Sph  
86-330-XA, 86-331-A, 86-332-A and 86-333-A

There are no comprehensive planning factors requiring comment on these petitions.

*Norman E. Gerber*  
Norman E. Gerber, AICP  
Director

NEG:JGH:slm





# **PETITION FOR ZONING VARIANCE**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1 B02.3.B. (205.3) to permit a side yard setback of 3-5 feet in lieu of the required 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To enclose carport which has existed for almost 20 years

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

Henry J. Fink

Signature

Signature

Address

Address

City and State

City and State

Attorney for Petitioner:

Legal Owner(s):

(Type or Print Name)

Henry J. Fink

Signature

Signature

Address

Address

City and State

City and State

Attorney's Telephone No.:

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

Address

City and State

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Attorney's Telephone No.:

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Attorney's Telephone No.:

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

Address

City and State

City and State

494-3180

## **County Board of Appeals**

Room 219 Court House

TOWSON, MARYLAND 21204

May 23, 1986

### **NOTICE OF POSTPONEMENT and REASSIGNMENT**

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 86-331-A

HENRY J. FINK, ET UX

W/S Elm Hollow Ct., 135' S of c/l of Birch Hollow Rd.

3rd District

3/5/86 - DZC Granted w/restrictions

Var.-Side yard setback

The above hearing set for Tuesday, June 3, 1986, at 10 a.m., has been POSTPONED by the Board at the request of Protestants, as a consequence of a change in counsel, and

REASSIGNED FOR:

THURSDAY, JUNE 26, 1986, at 11:00 a.m.

cc: Mr. & Mrs. Henry Fink

Petitioners

Dean P. Gunby, Esq.

Counsel for Petitioners

Dr. Mark Gordon

Protestant-Appellant

Sanford Teplitzky, Esq.

Counsel for Protestants

Thomas J. Bollinger, Esq.

Office of Law

Norman E. Gerber

James Hoswell

Arnold Jablon

Jean Jung

James Dyer

Blind copy: Arthur Alperstein, Esq.

Counsel for Protestants

June Holmer, Secretary



## **County Board of Appeals of Baltimore County**

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

July 17, 1986

Dr. Mark Gordon  
6 Elm Hollow Ct.  
Pikesville, Md. 21208

Re: Case No. 86-331-A  
Henry J. Fink, et ux

Dear Dr. Gordon:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmer, Secretary

Encl.

cc: Mr. and Mrs. Henry J. Fink

Dean P. Gunby, Esq.

Sanford Teplitzky, Esq.

Robert E. Scher, Esq.

Arthur Alperstein, Esq.

Thomas J. Bollinger, Esq.

Norman E. Gerber

James Hoswell

Arnold Jablon

Jean Jung

James E. Dyer

IN THE MATTER OF THE APPLICATION OF HENRY J. FINK, ET UX FOR ZONING VARIANCE ON PROPERTY LOCATED ON THE WEST SIDE OF ELM HOLLOW COURT, 135 FT. SOUTH OF THE CENTERLINE OF BIRCH HOLLOW ROAD 3RD DISTRICT

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 86-331-A

### **OPINION**

This case comes before the Board of Appeals as a Petition for Variance for a side yard setback for a carport-toolshed first granted by the Zoning Office in 1966 to Mr. Henry Fink, but now under protest by the Protestant-Appellant, Dr. Mark Gordon, neighbor to Mr. Fink.

The Petitioner requested and was granted, a variance to enclose his existing carport on March 3, 1986, and acquired the necessary permit on April 2, 1986. In the meantime, the Protestant filed a protest to the granting of the variance as well as the original side-yard setback of 1966.

In testimony, Mr. Henry Fink reviewed the reasons and procedures for adding a carport-tool shed to his home one year after acquiring the property in 1965. He testified to the fact, as suggested by his deeds and permits, that the addition was properly made by a contractor in conformance with zoning laws as existed in 1966. At no time in the following years did anyone protest this structure as a possible violation of zoning regulations.

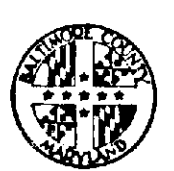
Upon the purchase of a valuable antique automobile in 1985, Mr. Fink requested a variance and permit to complete a wall of the carport to protect this vehicle from the weather. Having obtained the variance and permit, a builder was contracted to enclose the carport. Despite his knowledge of a protest submitted by Dr. Gordon, Mr. Fink had the work completed as contracted.

### **Description for Variance**

Beginning at a point on the west side of Elm Hollow Court (50 feet wide), 135 feet south of the centerline of Birch Hollow Road and known as Lot 11, Block A as shown on the plat of Section One of Stevenson at Antea Farms, which is recorded among the Land Records of Baltimore County in RRG No 30, Folio 7.

Known as 4 Elm Hollow Court in the 3rd Election District.

Henry J. Fink & Jeanne L. Fink  
4 Elm Hollow Court  
Pikesville, Maryland 21208  
# 486 3672



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

March 5, 1986

Dean P. Gunby, Esquire  
Suite 300, 1 E. Redwood Street  
Baltimore, MD 21202

RE: PETITION FOR VARIANCE  
W/S of Elm Hollow Court,  
135' S of the centerline of  
Birch Hollow Road  
3rd Election District  
Henry J. Fink, et ux,  
Petitioners  
Case No. 86-331-A

Dear Mr. Gunby:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

JEAN M. H. JUNG  
Deputy Zoning Commissioner

JMHJ:bg

Attachments

cc: People's Counsel

Dr. Mark Gordon

6 Elm Hollow Court

Baltimore, MD 21208

Henry J. Fink, et ux

Case No. 86-331-A

In argument, counsel for Dr. Gordon questioned the Petitioner's original request for a variance in 1966 as to its legality. Photographs submitted showed the carport practically on the property line. Also, in protest, Mr. Gordon stated that the noise and movement of cars on the driveway, and the air pollution caused by exhaust fumes were detrimental to his family. Mr. Thomas Bollinger, speaking on behalf of the Baltimore County Office of Law, questioned Dr. Gordon as to the serious affect of the car movement and gas fumes, and if so, whether the fully enclosed carport would eliminate this nuisance. Mr. Bollinger further questioned the Protestants' reference and reasoning as to the alternative location possible in 1966 for the carport-tool shed.

In view of the testimony presented to this Board, the protest as it pertains to the original granting of the permit for construction in 1966 is moot. The change of the zoning regulation in later years (1970) cannot be justified in its application to this case.

In consideration of the present petition for variance to enclose the existing carport-toolshed, since this improvement to the property would not adversely affect the health, safety, and general welfare of the community, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, this variance should be granted.

### **ORDER**

For the reasons set forth in the foregoing Opinion, it is this 17th day of July, 1986, by the County Board of Appeals, ORDERED that the Petition for Variance by the property owner, Henry J. Fink, be and is hereby GRANTED.



IN RE: PETITION FOR VARIANCE  
W/S of Elm Hollow Court,  
135' S of the centerline  
of Birch Hollow Road -  
3rd Election District  
Henry J. Fink, et ux,  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 86-331-A

The Petitioners herein request a variance to permit a side yard setback of 3 1/2 feet in lieu of the required 15 feet.

Testimony by the Petitioner indicated that the dwelling was purchased in 1965. In 1966 a carport and storage shed were constructed in accordance with a Baltimore County building permit (Petitioner's Exhibit 1). The Petitioner, now retired, proposes to enclose the side of the carport with a windowless wall and cover that portion with siding identical to the existing siding on the house. The front of the carport and its rear opening would not be altered. The purpose of constructing the wall is to protect the Petitioner and his antique car from the elements.

The adjacent neighbor spoke in protest. In his opinion, any hardship has been self-created by the Petitioner. It is also his opinion that he would look out onto an eyesore. He addressed the matter of car fumes and conceded both that he has not complained to anyone about fumes in the eleven years he has lived next door, and that there is a substantial drop in the ground level from his property to that of the Petitioner.

After due consideration of the testimony and evidence presented, with particular attention to the photographs submitted (Petitioner's Exhibit 2), and its appealing that strict compliance with the Baltimore County Zoning Regulations (BCZ) would result in practical difficulty and unreasonable hardship upon the Petitioners, and the granting of the variance requested would not adversely affect the health, safety, and general welfare of the community, and, therefore,

the variance should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 5th day of March, 1986, that the herein Petition for Variance to permit a side yard setback of 3 1/2 feet in lieu of the required 15 feet, in accordance with the plan submitted and filed herein, is hereby GRANTED, from and after the date of this Order, subject, however, to the following:

1. Only the side wall of the carport shall be enclosed. The front and the rear passageway shall be left open.

*Jean M.H. Jung*  
Deputy Zoning Commissioner  
of Baltimore County

JMHJ:tg

PETITION FOR ZONING VARIANCE  
3rd Election District

LOCATION: West Side of Elm Hollow Court, 135 feet South of the Centerline of Birch Hollow Road

DATE AND TIME: Tuesday, March 4, 1986, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a side yard setback of 3-5 feet in lieu of the required 15 feet

Being the property of Henry J. Fink, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JARLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JARLON  
ZONING COMMISSIONER

JEAN M.H. JUNG  
DEPUTY ZONING COMMISSIONER

February 19, 1986

Mr. Henry J. Fink  
Mrs. Jeanne L. Fink  
4 Elm Hollow Court  
Pikesville, Maryland 21208

Re: Petition for Zoning Variance  
W/S Elm Hollow Ct., 135' S of the c/l  
Birch Hollow Rd.  
3rd Election District  
Henry J. Fink, et ux - Petitioners  
Case No. 86-331-A

Dear Mr. and Mrs. Fink:

This is to advise you that \$47.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 018510

DATE: 2/25/86 ACCOUNT: 8-01-615-000

SIGN & POSTS TO BE RETURNED TO ZONING OFFICE ON 3/4/86 AMOUNT: \$ 47.00

RECEIVED FROM: Henry J. Fink

FOR: Advertising & Posting re Case No. 86-331-A  
\$ 8086\*\*\*\*\*7500 2256F

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County, Maryland, and remit Building, Towson, Maryland

RE: PETITION FOR VARIANCE  
W/S Elm Hollow Ct., 135'  
S of the C/L Birch Hollow  
Rd., 3rd District  
HENRY J. FINK, et ux,  
Petitioners

BEFORE THE ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 86-331-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 5th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Henry J. Fink, 4 Elm Hollow Ct., Pikesville, MD 21208, Petitioners.

*Peter Max Zimmerman*  
Peter Max Zimmerman

Please enter the appearance of Robert E. Scher, Esquire of Ober, Kaler, Geimer & Scher as counsel for the protestant.

*Robert Scher*  
Robert Scher

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

86-331-A

District: 3rd Date of Posting: February 18, 1986

Posted for: Variance

Petitioner: Henry J. Fink et ux

Location of property: W/S of Elm Hollow Ct. 135' S of the C/L of Birch Hollow Rd.

Location of Signs: East front of subject property at Elm Hollow Court

Remarks:

Posted by: A.J. Dutton Date of return: February 21, 1986

Number of Signs: 1

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

86-331-A

District: 3rd Date of Posting: 4-11-86

Posted for: Appeal

Petitioner: Henry J. Fink et ux

Location of property: W/S of Elm Hollow Ct. 135' S of the C/L of Birch Hollow Rd.

Location of Signs: East front of the 4 Elm Hollow Court

Remarks:

Posted by: A.J. Dutton Date of return: 4-16-86

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD, February 13, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 13, 1986.

THE JEFFERSONIAN,  
*JB Kentish*

Publisher

Cost of Advertising

22.00

PETITION FOR ZONING VARIANCE  
3rd Election District  
LOCATION: West Side of Elm Hollow Court, 135 feet South of the Centerline of Birch Hollow Road  
DATE AND TIME: Tuesday, March 4, 1986, at 9:30 a.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Zoning Variance to permit a side yard setback of 3-5 feet in lieu of the required 15 feet. Henry J. Fink, et ux, as above named.  
In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.



# LEGAL NOTICE

PETITION FOR ZONING VARIANCE  
 LOCATION: West Side of Elm Hollow Court, 135' S of Birch Hollow Rd., 3rd Election District, Pikesville, Maryland 21208.  
 DATE AND TIME: Tuesday, March 4, 1986, at 9:30 a.m.  
 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.  
 The Zoning Commission of Baltimore County, by its duly authorized representative, the Zoning Commissioner, is hereby giving notice that a public hearing will be held on the above petition for a zoning variance on the date and at the place stated above. Any person desiring to be heard at the hearing should appear in person or by a duly authorized representative at the hearing on the date and at the place stated above.

## CERTIFICATE OF PUBLICATION

73346  
 Pikesville, Md., Feb. 12, 1986  
 Is to CERTIFY, that the annexed advertisement published in the NORTHWEST STAR, a weekly paper published in Pikesville, Baltimore County, Maryland before the 4th day of March 19 86  
 first publication appearing on the 12th day of Feb. 19 86  
 second publication appearing on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
 the third publication appearing on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

THE NORTHWEST STAR

Manager

Cost of Advertisement \$20.00

Mr. Henry J. Fink  
 Mrs. Jeanne L. Fink  
 4 Elm Hollow Court  
 Pikesville, Maryland 21208

January 31, 1986

## NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE  
 W/S Elm Hollow Ct., 135' S of the c/l Birch Hollow Rd.  
 3rd Election District  
 Henry J. Fink, et ux - Petitioners  
 Case No. 86-331-A

TIME: 9:30 a.m.

DATE: Tuesday, March 4, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Mark B. Gordon  
 Zoning Commissioner  
 of Baltimore County

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

No. 012892

DATE: 11-26-85 ACCOUNT: 11-21-615-70

AMOUNT: \$ 35.00

RECEIVED FROM:

FOR:

VALIDATION OR SIGNATURE OF CASHIER

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer Date: December 6, 1985  
 FROM: James Thompson  
 Item No. 212  
 SUBJECT: 4 Elm Hollow Court  
 Henry & Jeanne Fink

Presently, the above subject matter is an active violation case, C-86-514. When this petition is scheduled for a hearing please notify:

Dr. & Mrs. Mark Gordon  
 6 Elm Hollow Court  
 Baltimore, Maryland 21206

Mark B. Gordon, O.D.  
 6 Elm Hollow Court  
 Baltimore, Maryland 21208  
 825-4981

Arnold Jablon  
 Zoning Commissioner  
 Office of Planning & Zoning  
 Towson, Maryland 21204

March 7, 1986

RE: Petition Grant for Variance  
 4 Elm Hollow Court  
 Baltimore County, Maryland  
 Case No. 86-331-A

Dear Mr. Jablon,

I have received the decision by the zoning commission of Baltimore County on case No. 86-331-A. It is my understanding that the decision is to grant the variance to petitioners Henry J. Fink, et al.

I am appealing this decision. Enclosed is a check in the amount required for this appeal.

Please contact me if I have omitted anything in order to comply with appeal procedures or if you have any further questions.

Thank you.

Mark B. Gordon

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

No. 016130

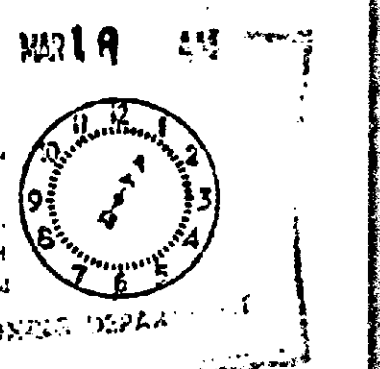
DATE: 3/19/86 ACCOUNT: 11-21-615-70

AMOUNT: \$ 20.00

RECEIVED FROM: Mark B. Gordon

FOR: Appeal fee for Case No. 86-331-A

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY  
 OFFICE OF PLANNING & ZONING  
 TOWSON, MARYLAND 21204  
 494-3353

ARNOLD JABLON  
 ZONING COMMISSIONER

JEAN M. H. JUNG  
 DEPUTY ZONING COMMISSIONER

March 19, 1986

Dean P. Gunby, Esquire  
 Suite 300, 1 E. Redwood Street  
 Baltimore, MD 21202

RE: PETITION FOR VARIANCE  
 W/S Elm Hollow Ct., 135' S of the c/l Birch Hollow Rd., 3rd Election District  
 Henry J. Fink, et ux,  
 Petitioners  
 Case No. 86-331-A

Dear Mr. Gunby:

Please be advised that an appeal has been filed by Dr. Mark Gordon, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,  
 Arnold Jablon  
 ARNOLD JABLON  
 Zoning Commissioner

AJ:bjg

cc: Mr. & Mrs. Henry J. Fink  
 4 Elm Hollow Court  
 Pikesville, MD 21206

Dr. Mark Gordon  
 6 Elm Hollow Court  
 Pikesville, MD 21206

Mark B. Gordon  
 6 Elm Hollow Court  
 Balto, Md. 21208

April 15, 1986

Zoning Appeal Board  
 Baltimore County Court House  
 Room #200  
 Towson, Md. 21204

RE: Case # 86-331-A  
 H.J. Fink  
 Zoning Variance Appeal

Dear Sirs:

When the above appeal is scheduled please notify me at

#6 Elm Hollow Court  
 Baltimore, Md. 21208

and my council, Mr. Sanford Teplitzky at the following address:

Ober, Kaler, Grimes & Shriver  
 1500 Maryland National Bank Building  
 10 Light Street  
 Baltimore, Maryland 21202

Attn: Sanford Teplitzky

I understand that we will have at least 60 days notice. If you have any questions, please call me at 825-4981.

Thank you,

Mark B. Gordon, O.D.

cc: Sanford Teplitzky

RECEIVED  
 COUNTY BOARD OF APPEALS  
 APR 19 1986

3/3 HENRY J. FINK  
 Dear Mr. Hackett  
 I am writing to request your help in obtaining the hearing on the appeal of the above mentioned case at the earliest possible date.  
 On March 4th 1986 the hearing was held and Deputy Zoning Commissioner granted our request for variance. In accordance with this decision, we obtained our building permit and our contractor, Castle-Sublet & Son Construction Co., Inc., is scheduled to start the side wall to our carport on Thursday, April 17th 1986 at a cost of \$800.00. The protestor, Dr. Mark Gordon, is the defendant in a civil suit filed by us months ago and has used this means

3 HENRY J. FINK  
 As a further method of harassment to us, we have already postponed the erection of the carport wall since last September because of the original variance complaint which was of no substance whatsoever.  
 May we please hear from you as soon as possible in order to resolve this matter?  
 Thank you for your consideration.  
 Very truly yours,  
 Henry J. Fink  
 Telephone # 496-3672

County Board of Appeals of Baltimore County  
 Room 200 Court House (Hearing Room #218)  
 Towson, Maryland 21204  
 (301) 494-2180  
 April 16, 1986

## NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-331-A

HENRY J. FINK, ET UX

W/s Elm Hollow Ct., 135' S of c/l of Birch Hollow Rd.

3rd District

3/5/86 - DZC GRANTED w/restrictions

Var-Side yard setback

ASSIGNED FOR:

TUESDAY, JUNE 3, 1986, at 10 a.m.

cc: Mr. & Mrs. Henry Fink

Petitioners

Dean P. Gunby, Esq.

Council for Petitioners

Dr. Mark Gordon

Protestant - Appellant

Phyllis G. Friedman

Protestant Counsel

Norman E. Gerbe

Protestant

James Howell

Protestant

Arnold Jablon

Zoning Commissioner

Jean Jung

Protestant

James E. Dyer

Protestant

Sanford Teplitzky, Esq.

Counsel for Protestant

Thomas J. Tollinger, Esq.

Office of Law

June Holmen, Secretary

MAR 25 1987



**OBER, KALER, GRIMES & SHRIVER**  
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
1600 MARYLAND NATIONAL BANK BUILDING  
BALTIMORE, MARYLAND 21202

SANFORD V. TEPLITZKY  
DIRECTOR, BALTIMORE  
COUNTY BOARD OF APPEALS

OFFICE IN  
WASHINGTON, D. C.  
NEW YORK, NEW YORK  
BOSTON, MASSACHUSETTS

May 12, 1986

Mr. William T. Hackett  
Chairman  
County Board of Appeals  
of Baltimore County  
Room 200  
Old Court House  
Towson, MD 21204

RE: Case No. 86-331-A  
Henry J. Fink, et ux

Dear Mr. Hackett:

Your file for the above-captioned appeal will indicate that I am counsel for Dr. Mark Gordon, Pro-  
testant-Appellant. We recently received notification  
of a hearing date of June 3, 1986 at 10:00 a.m.  
The purpose of this letter is to request a postponement  
of the hearing as required by Board Rule 2.

I do not request a postponement merely to delay  
this case. Rather, I currently have a hearing scheduled  
in Ft. Lauderdale, Florida on June 3. That hearing  
was previously postponed by the Assistant United  
States Attorney involved in that case and the parties  
have been notified that the hearing will, in fact,  
be held on that date.

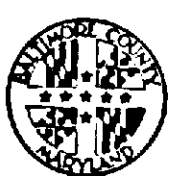
As Dr. Gordon does not wish to proceed without  
counsel, I hereby respectfully request a postponement  
of the assigned hearing date. Should you require  
any additional information at this time, please do  
not hesitate to contact me.

Since  
Sanford V. Teplitzky

SVT:blc

cc: Dr. Mark Gordon

RECEIVED  
COUNTY BOARD OF APPEALS  
MAY 14 1986  
Hackett



**County Board of Appeals of Baltimore County**  
Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3180

May 14, 1986

Sanford V. Teplitzky, Esquire  
Ober, Kaler, Grimes & Shriver  
1600 Maryland National Bank Building  
Baltimore, MD 21202

Re: Case No. 86-331-A  
Henry J. Fink, et ux

Dear Mr. Teplitzky:

Per your letter of May 12, 1986, the Board can  
find no justification for granting your requested postponement of  
the above entitled case. We are confident that someone in your  
large firm could handle this matter adequately in your absence.

Therefore, your request is denied and the case  
will remain on the docket as scheduled for Tuesday, June 3, 1986  
at 10 a.m.

Very truly yours,

William T. Hackett  
William T. Hackett, Chairman

cc: Dr. Mark Gordon

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

Baltimore County Board  
of Appeals  
TO: June 20, 1986  
Date

FROM: Office of Law

SUBJECT: Henry J. Fink  
Appeal from the Zoning Commissioner's  
Granting of a side yard setback  
Scheduled Hearing: Thurs., June 26, 1986

Please be advised that I have been given a notice of the  
above case. Baltimore County, a body corporate and politic is not a  
party to this appeal. It appears as though the Appellee is repre-  
sented by Dean P. Gunby, Esquire, and the Appellant is represented  
by Sanford Teplitzky, Esquire, Ober, Kaler, Grimes and  
Shriver, 1600 Maryland National Bank Building, 10 Light Street,  
Baltimore, Maryland 21202.

In view of the Board's prior ruling, the Zoning Commissioner  
is not a party itself to this action and, therefore, the only coun-  
sel that need be present are that of the Appellant and the  
Appellee, if they so desire.

Thanks for your time and consideration.

Thomas J. Bollinger  
Assistant County Attorney

TJB:KMC  
cc: Dean P. Gunby, Esquire  
Sanford Teplitzky, Esquire  
Mark D. Gordon

RECEIVED  
COUNTY BOARD OF APPEALS  
JUN 24 1986

CPS-008

4/16/86 - Following were notified of hear. set for Tues. June 3, 1986, at 10 a.m.:

Mr. and Mrs. Fink  
Dean Gunby, Esq.  
Dr. M. Gordon  
P. Friedman  
N. Gerber, J. Roswell  
A. Jablon, J. Jung, J. Dyer

Case No. 86-331-A

**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
27th day of January, 1986.

Arnold Jablon  
Zoning Commissioner

Petitioner Henry J. Fink, et ux  
Petitioner's  
Attorney

Received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee

**PETITIONER'S  
EXHIBIT**

**RECEIVED**  
OCT 4 1985

Revised November 1984

**BALTIMORE COUNTY, MARYLAND**  
WALTER J. RASMUSSEN, Director  
DEPARTMENT OF PERMITS AND LICENSES  
Office of the Building Engineer  
County Office Building, Towson, Md. 21204

This Alteration Permit is hereby granted to:  
Henry J. Fink & Jeanne L.  
c/o Elm Hollow Ct.  
Baltimore, Md. 21208

To make the following Alteration:  
Location: 414 Elm Hollow Court, Suite 102, 075, Birch Hollow Rd.  
Use of Building: dwelling-addition  
Size of existing Building: Front 14' Depth 24' Height 8' ft.  
Size of alteration: Front 14' Depth 24' Height 8' ft.  
Existing setback Front 55' Side 11' and 22' Alteration setback Front 10' Side 11' and 22'  
Complete Description of Alteration: New front porch on side of dwelling.  
Character of Construction: brick, steel columns, asphalt shingles  
Signed By: The Building Engineer  
WALTER J. RASMUSSEN, Director  
Department of Permits and Licenses

This permit shall be kept on the premises open to public inspection during the prosecution of the work and shall com-  
mence on the date of issuance. After a new building permit is issued, if the operation or work authorized and approved  
under this permit commences within 180 days after the date of issuance, or if, after commencement of the operation or work,  
the operation or work is interrupted or discontinued for a period of one year, then, in either case, the said permit shall be  
null and void and no operation or work shall be carried out under said permit until such time as a new permit shall have been  
issued for such work.

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

February 7, 1986

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. and Mrs. Henry J. Fink  
4 Elm Hollow Court  
Pikesville, Maryland 21208

RE: Item No. 212 - Case No. 86-331-A  
Petitioners - Henry J. Fink, et ux  
Variance Petition

Dear Mr. and Mrs. Fink:

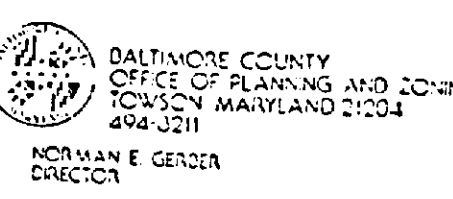
The Zoning Plans Advisory Committee has reviewed the plans sub-  
mitted with the above-referenced petition. The following comments  
are not intended to indicate the appropriateness of the zoning action  
requested, but to assure that all parties are made aware of plans or  
problems with regard to the development plans that may have a bearing  
on this case. The Director of Planning may file a written report with  
the Zoning Commissioner with recommendations as to the suitability of  
the requested zoning.

Enclosed are all comments submitted from the members of the  
Committee at this time that offer or request information on your  
petition. If similar comments from the remaining members are received,  
I will forward them to you. Otherwise, any comment that is not infor-  
mative will be placed in the hearing file. This petition was accepted  
for filing on the date of the enclosed filing certificate and a hearing  
scheduled accordingly.

Very truly yours,  
James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:nr

Enclosures



Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

February 4, 1986

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject  
petition and offers the following comments. The items checked below are  
applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group meeting is required.
- ☒ A County Review Group meeting was held and the minutes will be  
forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a  
subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior  
to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangements are not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and  
development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited  
under the provisions of Section 22-98 of the Development  
Regulation.
- ☒ Development of this site may constitute a potential conflict with  
the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board  
on \_\_\_\_\_.
- ☒ The property is located in a deficient service area as defined by  
B111 178-79. No building permit may be issued until a Reserve  
Capacity Use Certificate has been issued. The deficient service  
area is \_\_\_\_\_.
- ☒ The property is located in a traffic area controlled by a "D" level  
intersection as defined by B111 175-79, and as conditions change  
the re-evaluation annually by the County Council.
- ☒ Additional comments: \_\_\_\_\_

cc: James Howell

Eugene A. Sobor  
Chair, Current Planning and Development



**BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING**  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

January 7, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. -ZAC- Meeting of December 10, 1985  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

Acres:  
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items numbered  
208, 209, 210, 211, 212, 214, 215, 218, 219, 220, and 221.

Michael S. Flanagan  
Traffic Engineering Associate II

MEF/hld



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. REINKE  
CHIEF

December 17, 1985

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Henry J. Fink, et ux

Location: WS Elm Hollow Court, 135' S of centerline of Birch Hollow Road

Item No.: 212 Zoning Agenda: Meeting of December 10, 1985

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

December 27, 1985

TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 212 Zoning Advisory Committee Meeting are as follows:

Property Owner: Henry J. Fink, et ux  
Location: WS Elm Hollow Court, 135' S of c/l of Birch Hollow Road  
Districts: CE 524A

APPLICABLE CODES ARE CITED:

( ) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, The Maryland Code for the Handicapped and Aged (A.M.S.I., #17-81 - 1980) and other applicable Codes and Standards.

( ) A Building and other miscellaneous permits shall be required before the start of any construction.

( ) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

( ) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Approved seals are not acceptable.

NOTE: ( ) All Use Groups except Sub Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. All Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 601, Section 1007, Section 1008.2 and Table 1007. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

( ) The structure does not appear to comply with Table 605 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.

( ) The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.

( ) When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The owner of the Group are from Use \_\_\_\_\_ to the \_\_\_\_\_, or to Mixed Use \_\_\_\_\_ See Section 312 of the Building Code.

( ) The proposed project appears to be located in a Flood Plain, Flood/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.

J. Comments:

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 103 of the County Office Building, 101 W. Chesapeake Avenue, Towson, Maryland 21204.

By: *John F. O'Neill*  
Building Plans Reviewer

LJZ/RS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner

Date: February 4, 1986

Norman E. Gerber, AICP, Director  
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 86-285-A, 86-291-XA, 86-326-A, 86-329-Sph  
86-330-XA, 86-331-A, 86-332-A and 86-333-A

There are no comprehensive planning factors requiring comment on these petitions.

*Norman E. Gerber*  
Norman E. Gerber, AICP  
Director

NEG:JGH:slm

